

United States District Court
for the
Southern District of New York

FREEDOM MORTGAGE
CORPORATION

Plaintiff
v.

SHEENA LAWRENCE, CHRISTOPHER
LAWRENCE

Defendant(s)

)
)
) Civil Action No. 18-cv-11338
)
) **ORDER VACATING DEFAULT
JUDGMENT OF FORECLOSURE
AND SALE, VOLUNTARILY
DISMISSING COMPLAINT, AND
CANCELLING THE NOTICE OF
PENDENCY OF ACTION**
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Before the Court is a motion to voluntarily dismiss the Complaint pursuant to Fed. R. Civ. P. §41(a)(2), vacate the Default Judgment of Foreclosure and Sale pursuant to Fed R. Civ. P. § 60(b), and cancel the Notice of Pendency of Action pursuant to N.Y. C.P.L.R. § 6514(a). The action was commenced by filing of the Summons and Complaint on December 5, 2018, copies of which were served on the Defendants. The Defendants failed to answer, appear or motion with respect to the Complaint and defaulted. On June 14, 2019, the Court granted the Plaintiff default judgment pursuant to Fed. R. Civ. P. §55(b)(2) and a Judgment of Foreclosure and Sale pursuant to N.Y. R.P.A.P.L. §1351 and §1354. Thereafter, the Plaintiff accepted the Defendants' short sale proceeds in satisfaction of the mortgage, which settled the case and nullified the Default Judgment of Foreclosure and Sale. On these grounds, it is hereby:

ORDERED, ADJUDGED AND DECREED, the Plaintiff's motion is granted; and it is further

ORDERED, ADJUDGED AND DECREED, the Default Judgment of Foreclosure and

Sale entered on June 14, 2019, is vacated pursuant to Fed. R. Civ. P. § 60(b); and it is further

ORDERED, ADJUDGED, AND DECREED, the Referee who was appointed to sell the property at public auction pursuant to the Judgment of Foreclosure and Sale, Alan L. Joseph, Esq., is discharged and relieved of any and all obligations and requirements thereunder; and it is further

ORDERED, ADJUDGED, AND DECREED, that pursuant to N.Y. C.P.L.R. § 6514(a), the County Clerk of Orange County is directed, upon payment of proper fees, if any, to cancel and discharge a certain Notice of Pendency filed in this action on the February 4, 2019, and in the Office of the Clerk of the United State District Court for the Southern District of New York, and any other filing against the property known as 35 Alexander Drive, Washingtonville, New York 10992, and said Clerk is hereby directed to enter upon the margin of the record of the same a Notice of Cancellation referring to this Order.

SO ORDERED:



2/26/21

**U.S. District Judge Kenneth M. Karas
United States District Court for the
Southern District of New York**